

### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2 and 4-34 are pending in the present application. Claims 1, 9, 11, 24, 27, 30 and 32 are amended by the present amendment without introducing new matter.

In the outstanding Office Action, Claims 1, 2, 4-10, 30 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hayashi et al. (U.S. Patent 5,754,708, herein "Hayashi") in view of Suzuki (U.S. Patent 5,742,410); Claims 11-13, 16-18, 20, 21, 24, 26-29 and 32-34 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hayashi in view of Sikes et al. (U.S. Patent 6,058,201, herein "Sikes"); Claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Hayashi and Sikes and further in view of Farrell et al. (U.S. Patent 6,222,642, herein "Farrell"); Claims 22, 23 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Hayashi and Sikes and further in view of Sakano et al. (U.S. Patent 5,473,444, herein "Sakano"); and Claims 14 and 15 were indicated as allowable if rewritten in independent form.

At the outset, Applicants thank the Examiner for the indication that Claims 14 and 15 include allowable subject matter.

Amended Claim 1 is directed to an image processing device that includes, among other things, the following limitation:

“... a degree-of-white-background-likeliness detection unit configured to detect a concentration of white pixels in a binary image obtained by binarizing the input image, and to detect a degree of white-background likeliness in respect of a local area of the input image in response to the detected concentration of white pixels, said concentration of white pixels being defined as *a contiguous area of more than a*

***predetermined number of pixels having pixel values whiter than a predetermined threshold ...” (emphasis added).***

Similar changes are made to other independent Claims 9, 11, 24, 27, 30 and 32. Amended Claims 1, 9, 11, 24, 27, 30 and 32 find support at least at page 40, line 1 to page 48, line 24 of the specification, and in Figures 34-38, for example. No new matter is added. Applicants respectfully request the withdrawal of the outstanding rejections for the following reasons.

In a non-limiting example, as set forth in independent Claim 1, a concentration of white pixels is detected in a binary image obtained by binarizing an input image, followed by detecting a degree of white-background likeliness in respect of a local area of the input image in response to the concentration of white pixels. Further, the concentration of white pixels is defined as a contiguous area of more than a predetermined number of pixels having pixel values whiter than a predetermined threshold. Other independent Claims 9, 11, 24, 27, 30 and 32 include similar features.

Hayashi does not disclose or suggest the claimed degree-of-white-background-likeliness detection unit, and the Office Action relies on Sikes in an attempt to remedy the deficiencies of Hayashi.<sup>1</sup> Applicants respectfully submit that Sikes does not remedy the deficiencies of Hayashi, however, for the following reasons.

The Office Action and the Advisory Action point to column 12, lines 20-27, and column 18, lines 47-61 of Sikes in an attempt to remedy the deficiencies of Hayashi.<sup>2</sup> In particular, at column 12, lines 20-27, Sikes discloses determining an amount of light scattering compensation that is performed to a digitized image by measuring all pixels in the digitized image with respect to a threshold white value. Further, at column 18, lines 47-61, Sikes discloses determining a percentage of white in the digitized image by counting a

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<sup>1</sup> See page 5, line 19 to page 6, line 4, of the Office Action of June 8, 2004.

<sup>2</sup> See page 2, first paragraph, of the Advisory Action of November 3, 2004.

number of white pixels within the digitized image to develop light scattering compensation data to be stored in a memory. However, nowhere in the above portions of Sikes is a disclosure or suggestion of detecting a concentration of white pixels, the concentration of white pixels being defined as *a contiguous area of more than a predetermined number of pixels having pixel values whiter than a predetermined threshold*.

Moreover, it is respectfully submitted that Suzuki, Farrell and Sakano also fail to disclose or suggest detecting a concentration of white pixels, the concentration of white pixels being defined as *a contiguous area of more than a predetermined number of pixels having pixel values whiter than a predetermined threshold*.

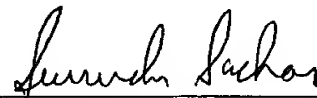
As none of Hayashi, Sikes, Suzuki, Farrell and Sakano discloses or suggests the above-noted limitation, the combined teachings of these references do not render obvious the apparatus/method recited in amended Claims 1, 9, 11, 24, 27, 30 and 32.

Accordingly, Applicants respectfully submit that independent Claims 1, 9, 11, 24, 27, 30 and 32 and each of the claims depending therefrom are patentably distinguishable over the references of record, and request the withdrawal of the outstanding rejections for the reasons stated above.

Consequently, in light of the prior indication of allowable subject matter, the above discussion, and in view of the present amendment, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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